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CENTRAL FAX CENTER

Transmission by Facsimile on June 30, 2006

JUN 30 2006

PATENT  
Dkt. MT001

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Mark Temple  
Application No.: 10/772,509 Group No.: 3673  
Filed: February 5, 2004 Examiner: Fredrick Conley  
For: SUPPORTIVE UPPER BODY CONSTRAINT DEVICE

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

NOTICE OF APPEAL FROM THE PRIMARY EXAMINER  
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES  
(37 C.F.R. § 41.31)

Applicant hereby appeals to the Board from the decision of the Primary Examiner, mailed May 15, 2006, for a second time rejecting claims 1-13.

## 1. STATUS OF APPLICANT

This application is on behalf of a small entity. A statement was already filed on February 5, 2004.

## 2. FEE FOR FILING NOTICE OF APPEAL

Pursuant to 37 C.F.R. § 41.20(b)(1), the fee for the Appeal Brief is:

Small entity \$250.00

Notice of Appeal fee due \$250.00

07/03/2006 TL0111 00000016 10772509

01 FC:2401

250.00 OP

02 FC:2253

510.00 OP

## CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a)

I hereby certify that, on the date shown below, this correspondence is being:

## TRANSMISSION

☒ facsimile transmitted to the Patent and Trademark Office, (571) 273 - 8300.

Date: June 30, 2006

  
Signature

Diana C. Anderson

(type or print name of person certifying)

**RECEIVED  
CENTRAL FAX CENTER****JUN 30 2006****3. EXTENSION OF TERM**

The proceedings herein are for a patent application and the provisions of 37 C.F.R.1.136 apply.

Applicant petitions for an extension of time under 37 C.F.R. 1.136 (fees: 37 C.F.R. 1.17(a)(1)-(4)) for 3:

Fee \$510.00

If an additional extension of time is required, please consider this a petition therefor.

**4. TOTAL FEE DUE**

The total fee due is:

Notice of Appeal fee \$250.00

Extension fee \$510.00

**TOTAL FEE DUE \$760.00**

**5. FEE PAYMENT**

Authorization is hereby made to charge the amount of \$760.00 to credit card as shown on the attached credit card information authorization form PTO-2038.

Charge any additional fees required by this paper or credit any overpayment in the manner authorized above.

A duplicate of this transmittal is attached.

**6. FEE DEFICIENCY**

If any additional extension and/or fee is required, and if any additional fee for claims is required, charge Deposit Account No. 06-0540.

Respectfully submitted,

Date: 6/30/2006



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